

REMARKS

I. Claim Rejections Under 35 U.S.C. § 103(a)

In the Office Action, the Examiner has rejected Claim 1-20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Reiss et al., U.S. Patent 5,743,895 in view of Cook et al., U.S. Patent 5,562,740.

Under MPEP 706.02(1)(1), prior art under 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art if owned by the same person or subject to an obligation of assignment to the same person. Applicants respectfully point out that Reiss was commonly owned by RMED Int. Inc. at the time the invention was made. Therefore, Applicants respectfully submit that Reiss is not a valid reference under 35 U.S.C. §103.

As Reiss has been eliminated as a reference under 35 U.S.C. §103, Applicants respectfully submit that Cook neither shows nor anticipates the claimed invention. Cook fails to disclose a chlorine free disposable diaper having a core layer made of non-chlorine bleached material for holding waste materials within the disposable diaper.

Therefore, for the reasons stated above, Applicants believe that the rejection under 35 U.S.C. §103 is overcome.

II. Conclusion

Applicants respectfully submit that Applicants' claimed invention is deserving of patent protection because it describes a

useful and functioning apparatus which is patentably distinguishable over the prior art.

In conclusion, Applicants respectfully submit that this Amendment Letter, in view of the Remarks offered in conjunction therewith, are fully responsive to all aspects of the objections and rejections tendered by the Examiner in the Office Action. Applicants respectfully submit that they have persuasively demonstrated that the above-identified Patent Application, including Claims 1-20 are in condition for allowance. Such action is earnestly solicited.

If the foregoing does not place the case in condition for immediate allowance, the Examiner is respectfully requested to contact the undersigned for purposes of a telephone interview.

If there are any fees incurred by this Amendment Letter, please deduct them from our Deposit Account NO. 23-0830.

Respectfully submitted,



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